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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 HANSEN BEVERAGE COMPANY, a
12 Delaware corporation,

13 Petitioner,

14 v.

15 DSD DISTRIBUTORS, INC., a Wisconsin
16 corporation

17 Respondent.
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CASE NO. 08-CV-0619 LAB (RBB)

HANSEN BEVERAGE COMPANY'S
OBJECTION TO REQUEST FOR JUDICIAL
NOTICE and COUNTER-REQUEST IN
SUPPORT OF ITS OPPOSITION TO THE
MOTION TO DISMISS OR STAY

Date: June 9, 2008
Time: 11:15 a.m.

Hon. Larry A. Burns

I.

19 OBJECTION TO REQUEST FOR JUDICIAL NOTICE

20 The motion to dismiss or stay filed by Respondent DSD Distributors, Inc. ("DSD")
21 asks the Court to take judicial notice of exhibits attached to the Declaration of Leila Nourani
22 ("Nourani Decl."). The exhibits are marked "Exhibit A" through "Exhibit F." DSD's Motion,
23 p.2, n1; Nourani Decl. Petitioner Hansen Beverage Company ("Hansen") objects to the
24 request only as it pertains to Exhibit A to the Nourani Decl., and only because that exhibit is
25 partial and incomplete.

26 The Nourani Decl. describes Exhibit A as "DSD's Notice of Motion and Motion for
27 Partial Vacuation of Arbitration Award and supporting Affidavit of Julie Lewis (**and relevant**
28 **exhibits thereto**), stamped filed in the Wisconsin Circuit Court on April 4, 2008." Nourani

1 Decl., ¶ 2 (emphasis added). The Affidavit of Julie Lewis ("Lewis Affidavit") refers to and
2 describes its own Exhibits A through L. However, the Nourani Decl. attaches only some of
3 those Lewis Affidavit exhibits, omitting Exhibits A and F through L. Hansen therefore objects
4 to the incomplete submission, and requests, as set forth below, that the Court take judicial
5 notice of the complete document.

6 **II.**

7 **HANSEN'S COUNTER-REQUEST FOR JUDICIAL NOTICE**

8 Hansen requests judicial notice of the following documents attached to the
9 Declaration of Tanya M. Schierling In Support of Hansen Beverage Company's Opposition
10 to the Motion to Dismiss or Stay:

11 Exhibit "1" DSD's Notice of Motion and Motion for Partial Vacation of Arbitration
12 Award and supporting Affidavit of Julie Lewis, including ***all exhibits*** thereto, dated April 4,
13 2008 and filed in the Wisconsin Circuit Court, Rock County, Case No. 07-CV-1120 (the
14 "Wisconsin Court Action").

15 Exhibit "2" DSD's "Verified Complaint and Request for Declaratory Judgment and
16 Injunctive Relief" filed July 20, 2007 in the Wisconsin Court Action.

17 Exhibit "3" Judge Forbeck's April 30, 2008 letter ruling in the Wisconsin Court
18 Action.

19 DATED: May 23, 2008 SOLOMON WARD SEIDENWURM & SMITH, LLP

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21 By: /s/ Tanya M. Schierling
22 RICHARD E. McCARTHY
TANYA M. SCHIERLING
23 Attorneys for Petitioner Hansen Beverage
Company
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CERTIFICATE OF SERVICE

**I caused the HANSEN BEVERAGE COMPANY'S OBJECTION TO REQUEST FOR
JUDICIAL NOTICE and COUNTER-REQUEST IN SUPPORT OF ITS OPPOSITION TO THE
MOTION TO DISMISS OR STAY** to be served in the following manner:

Electronic Mail Notice List

6 The following are those who are currently on the list to receive e-mail notices for this
7 case.

Electronic Mail Notice List

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/s/ Tanya M. Schierling
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